

species election requirement (paper #2). Applicant responded with an election. The Action of paper #4 followed. It enters a double-patenting rejection.

It is respectfully submitted that the pending claims of the present application do not pursue subject matter that qualifies as same invention double patenting. Reconsideration is respectfully requested.

**B. Double Patenting Rejection**

The Examiner has entered a provisional same invention double patenting rejection against pending claims 1-46 of the present application. The Examiner cites to U.S. Ser. No. 09/781,743, owned by the owner of the present application, as the basis for the double patenting rejection. This rejection is respectfully traversed for the following reasons.

As set forth in the Office Action, same invention double patenting requires that the rejected claims must be drawn to the identical subject matter of the cited claims of the other application. That is not the case here.

Ser. No. 09/781,743, now issued U.S. Patent 6,798,392, has 12 claims. Claims 1, 11, and 12 are independent claims. Each of those independent claims relates to either an apparatus or method of mounting a ballast box to the side of a pole. A copy of the cover page and claims 1-12 of issued U.S. Patent 6,798,392 are attached.

A comparison of claims 1-46 of the present application shows that none are drawn to a ballast box mounting apparatus or method. Therefore, it is respectfully submitted that the same invention double patenting rejection should be withdrawn.

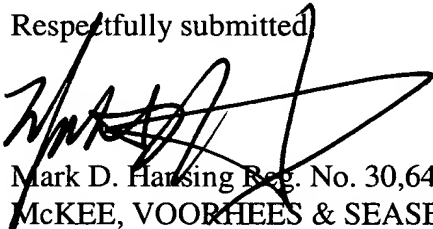
**C. Conclusion**

It is respectfully submitted that all matters raised in the Office Action of Paper #4 have been addressed and remedied, and that the application is in form for examination on the merits.

No fees for claims are believed required for entry of this response. A three-month extension of time is respectfully petitioned and please charge the required fee to Deposit Account No. 26-0084, as indicated in the concurrently filed Fee Transmittal.

No additional fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted



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- encl.—copy of selected pages of U.S. Patent 6398392 (3 pgs)